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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,207	11/17/2000	Yonatan Pesach Stern	002/6	5096

7590

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EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 04/21/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary

Application No.

09/714,207

Applicant(s)

STERN ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-19 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-19, and 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☒ Certified copies of the priority documents have been received in Application No. 60/211,976.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date No. 2 10/15/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to application filed 11/17/2000 acknowledgement is made of provisional Application No. 60/211,976 filed 06/15/2000.
2. Claims 5, 6, and 20 are withdrawn due to preliminary amendment filed 03/10/ 2004.
3. Claims 1-4, 7-19, and 21-38 are currently pending in this application. Claims 1, 19, 23, 24 and 25 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 14, 16-22, 24-30, and 34-35 are rejected under 35 U.S.C. 103(a) as being anticipated over Mitchell et al. US Patent No. 5,963,966 issued 10/05/1999 filed 11/08/1996 (hereinafter '966), in view of Langford-Wilson US Patent No. 5,953,733 issued 09/14/1999 filed 06/21/1996 (hereinafter '733).

Claim 1 is representing of claims 2-8.

In regard to independent claim 1, *"analyzing the data to decompose a layout of each page... into a plurality of blocks, each block representing an objects" is taught in '966 col. 1, lines 20-30, (i.e. ... page decomposition and text recognition (OCR). Page decomposition identifies the overall layout of a document page), "converting each object to an internal publication format; and rendering said internal publication format in the final publication format."* is taught in '966 col. 5, lines 53-63 (i.e. SGML format as a primary translation target to leverage... provides a mechanism for translating documents into a format that can be accessed through the Internet using current browsers ...),

'966 does not explicitly disclose, *"each page of newspaper"* however is taught in '733 col. 3, lines 27-37 (i.e. ... invention is called NAILS, an acronym which stands for "Newspaper Automated Intelligent Layout System"... Suits or matches the particular design (presentation) of a publication and/or).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine '966 with '733. One of the ordinary skill in the art would have been motivated to modify this combination to analyzing the data to decompose a layout of each page into a plurality of blocks, each block representing an object converting each object to an internal publication format; and rendering said internal publication format in the final publication format wherein said layout of pages as newspaper. This combination would benefit, **faster to produce a layout, low overhead for layout training and time saving when "re-design" a newspaper and**

also providing consistency of style and flavour of publication to readers with this combination, is taught in '733 col. 11, lines 65-67 through col. 12, lines 1-50.

In regard to dependent claim 2, "*internal publication format is a mark-up language*" is taught in '966 col. 5, lines 53-63 (i.e. ... markup language ...).

In regard to dependent claim 3, "*mark-up language is XML*" is taught in '966 col. 6, lines 65-67 through col. 7, lines 1-5 (i.e. ... an extended version of HTML ...).

In regard to dependent claim 4, "*the final publication format is a mark-up language document*" is taught in '966 col. 5, lines 53-63 (i.e. ... enables direct translation into HTML format (a subset of SGML), and thus provides a mechanism for translating documents into a format that can be accessed through the Internet using current browsers ...).

In regard to dependent claim 7, "*layout is decomposed by classifying each object according to a category selected from the group consisting of an article, an advertisement, a picture not otherwise associated with said article or said advertisement, and general data.*" is taught in '966 col. 2, lines 4-10 (i.e. ...during page decomposition are propagated forward in the system, it is important that the graphical and textual regions of the page be correctly identified...).

In regard to dependent claim 8, "*object is constructed in said converting from content and at least one attribute of said object in said layout*" is taught in '966 col. 9, lines 1-5 (i.e. ... text images are stored in binary format, words or phrases which have hyperlinks are converted to reverse video, as shown in FIG. 9, to make them distinguishable to the user).

Claim 14 is representing of claims 16-22, 24-30, and 34-35.

In regard to dependent claim 14, '966 does not explicitly disclose, "*preparing a list of text and/or graphic elements for each object; determining properties of each element; and recognizing structural layout properties of the data in an original format*" however is taught in '733 col. 3, lines 25-60 (i.e. ... Predefine suitable layouts and store these into a database and/or ... Determine and predefine the conditions or circumstances in which each of these layouts may be considered suitable for use and/or... Define, for each of these layouts, rules governing the behavior of each element of layout, as to its size, position and typographic style and so on...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine '966 with '733. One of the ordinary skill in the art would have been motivated to modify this combination to preparing a list of text and/or graphic elements for each object; determining properties of each element; and recognizing structural layout properties of the data in an original format. This combination would benefits, **faster to produce a layout, low overhead for layout training and time saving when "re-design" a newspaper and also providing consistency of style and flavour of publication to readers with this combination**, is taught in '733 col. 11, lines 65-67 through col. 12, lines 1-50.

In regard to dependent claim 16, "*determining properties of each element includes the step a determining a special characteristic for each text element*" is taught in '733 col. 4, lines 55-61 (i.e. ... lead stories, picture stories, fillers, secondary leads and so on).

In regard to dependent claim 17, “ *wherein the data is in a form of a newspaper*” is taught in ‘733 col. 3, lines 25-30 (i.e. ...NAILS, an acronym which stands for “Newspaper Automated Intelligent Layout System...), “ *and said analyzing the data to decompose said layout step further comprises: determining each text segment for each object*” is taught in ‘733 col. 4, lines 55-61 (i.e. ... lead stories, picture stories, fillers, secondary leads and so on), “ *and building a text block from a plurality of aligned text segments.*” is taught in ‘733 col. 6, lines 28-31 (i.e. ...Resizing Expressions allow relationships to be defined between the various elements of a layout (Child or Cousin), such as the headline, subheading pictures, captions, bylines, body text and so on...).

In regard to dependent claim 18, “*creating a graphic block from a plurality of graphic elements*” is taught in ‘733 col. 4, lines 1-2 (i.e. Graphically displays ...), “*creating a hierarchy of graphic blocks; and distributing text blocks in said hierarchy of graphic blocks*” is taught in ‘733 col. 4, lines 30-45 (i.e. ... each publication, the database is programmed preferably in a hierarchical structure...).

In regard to independent claim 19, is directed to a system for performing the method of claim s 1,2-4 and 8 above, and in further view of the following, and are similarly rejected along the same rationale;

“*newspaper data in a digital format*” is taught on ‘733 col. 3, lines 25-30 (i.e..... Newspaper Automated Intelligent Layout System ... can be used for any electronic or printed media where material is laid out or presented according to a certain style.).

In regard to dependent claim 21, is directed to a system for performing the method of claim 3 above, and is similarly rejected along the same rationale.

In regard to dependent claim 22, is directed to a system for performing the method of claim 1-3 above, and is similarly rejected along the same rationale.

In regard to independent claim 24, incorporate substantially similar subject matter as cited in claims 1, 14, and 16 above, and is similarly rejected along the same rationale.

In regard to independent claim 25, incorporate substantially similar subject matter as cited in claims 1, 14, and 17 above, and is similarly rejected along the same rationale.

In regard to dependent claim 26, *"wherein said form of a newspaper comprises at least one property, said properly selected from a group including multiple columns, titles, subtitles, images and image captions."* is taught in '733 col. 4, lines 55-61 (i.e. ... lead stories, picture stories, fillers, secondary leads and so on).

In regard to dependent claim 27, *"wherein said blocks correspond to content items in said newspapers"* is taught in '733 col. 4, lines 30-45.

In regard to dependent claim 28, *"wherein said blocks comprise a part of a column or article in said newspaper."* is taught in '733 col. 4, lines 30-45.

In regard to dependent claim 29, *"wherein said block includes a text portion, such that it is related to the physical layout of said newspaper."* is taught in '733 col. 4, lines 30-45.

In regard to dependent claim 30, *"wherein said blocks rendered in said final publication format may be viewed in an order defined by the user."* is taught in '733 col. 4, lines 15-20.

In regard to dependent claim 34, “*final publication format to a user through a Graphic User Interface (GUI).*” is taught in ‘733 col. 4, lines 1-2 (i.e. Graphically displays for the user the correct or suitable layouts and allows selection of one of them and/or).

In regard to dependent claim 35, is directed to a system for performing the method of claim 8 above, and is similarly rejected along the same rationale.

5. **Claims 9-11, 31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. US Patent No. 5,963,966 issued 10/05/1999 filed 11/08/1996 (hereinafter ‘966), in view of Langford-Wilson US Patent No. 5,953,733 issued 09/14/1999 filed 06/21/1996 (hereinafter ‘733), and further in view of Chen et al. US Patent No. 6,507,856 B1 issued 01/14/2003 filed 01/05/1999 (hereinafter ‘856).**

Claim 9 is representing of claims 10-11, 31, and 36.

In regard to dependent claim 9, ‘966 and “733 do not explicitly disclose “*object is composed of a plurality of primitives, each primitive containing a portion of content and an attribute*” however is taught in ‘856 col. 5, lines 45-50 (i.e. ... system 105 receives an XML message 125 and its DTD 115, and generates a return XML message 145 based on the return message DTD 135. Other languages/codes may be used in addition to or instead of XML and/or DTD. ...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine ‘966 and “733 with ‘856. One of the ordinary skill in the art would have been motivated to modify this combination to construct in said converting from content and at least one attribute of said object in said layout, wherein said object

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is composed of a plurality of primitives, each primitive containing a portion of content and an attribute. Benefits of cost and effect with this combination by providing a **business process automation system for dynamically exchanging and merging documents**, is taught in '856 col. 1, lines 30-31, and also taught in '856 col. 1, lines 20-29, **there are many instances where documents of one type are issued in response to documents of another type. For example, suppliers can issue invoice documents based on received purchase order (PO) documents, or issue a reply to request for quote documents based on received request for quote documents, from prospective buyers. Developing solutions for any such document pair may be tedious, and hard to maintain, especially if the solution include manual document production and record keeping.**

In regard to dependent claim 10, *"wherein each attribute is stored in an XML tag"* is taught in '856 col. 6, lines 20-25 (i.e. ... XML name tag map table 325 includes rows which have a pair of mapped name tags...).

In regard to dependent claim 11, *"wherein at least one attribute describes a relationship between said primitives of said object"* is taught in '856 col. 6, lines 20-25 (i.e. ... have a pair of mapped name tags, one for a first XML type 405, and the other for a return XML type 415. To avoid ambiguity due to the possible usage of the same tags in different locations of the DTD ...).

In regard to dependent claim 31, incorporate substantially similar subject matter as cited in claims 8-9 above, and is similarly rejected along the same rationale.

In regard to dependent claim 36, is directed to a system for performing the method of claim 9 above, and is similarly rejected along the same rationale.

6. **Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. US Patent No. 5,963,966 issued 10/05/1999 filed 11/08/1996 (hereinafter '966), in view of Langford-Wilson US Patent No. 5,953,733 issued 09/14/1999 filed 06/21/1996 (hereinafter '733), and further in view of Hill et al. US Patent No. 6,023,714 issued 02/08/2000 filed 04/24/1997 (hereinafter '714).**

Claim 12 is representing of claim 13.

In regard to dependent claim 12, '966 and '733 do not explicitly disclose *"wherein said rendering said internal publication format is performed according to a type of hardware device for displaying the final publication format"* however is taught in '714 col. 2, lines 15-20 (i.e. ... dynamically formatting a document based upon the capabilities and constraints of a particular output device. ...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine '966 and '733 with '714. One of the ordinary skill in the art would have been motivated to modify this combination to said rendering said internal publication format is performed according to a type of hardware device for displaying the final publication format. Benefits of cost and effect with this combination by providing **a method for dynamically formatting a document based upon the capabilities and constraints of a particular output device so that would allows a document to be displayed on a large number of display devices**, is taught in '714 col. 1 lines 45-67 through col. 2, lines 1-25.

In regard to dependent claim 13, *"wherein said rendering said internal publication format is performed only after a query from a specific hardware device is received."* is taught in '714 col. 10, lines 16-26 (i.e. ... the client requests a document stored on a remote storage device from the server. The client obtains the requested document including an embedded layout generator or script from the server in step 404 ...).

7. Claims 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. US Patent No. 5,963,966 issued 10/05/1999 filed 11/08/1996 (hereinafter '966), in view of Langford-Wilson US Patent No. 5,953,733 issued 09/14/1999 filed 06/21/1996 (hereinafter '733), and further in view of Votipka US Patent No. 6,185,589 B1 issued 02/02/2001 filed 07/31/1998 (hereinafter '589).

In regard to dependent claim 15, '966 and '733 do not explicitly disclose *"determining properties of each element includes determining visibility and overlap characteristics for each graphic element"* however is taught in '589 col. 4, lines 45-50 (i.e. ... then overlaid as the foreground layer 416, 426 over the background layer 408 of its corresponding fixed-width cell...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine '966, and '733 with '589. One of the ordinary skill in the art would have been motivated to modify this combination to include determining visibility and overlap characteristics for each graphic element. With this combination, **it has great bearing on the newspaper's "appeal" to different readers (such as, large heavy headlines in a tabloid, or smaller "dignified" headlines in a "quality"**

broadsheet). The readers are attracted to buy the paper and this obviously helps to determine that paper's market. Designs also serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors, is taught in '733 col. 1, lines 25-35.

In regard to independent claim 23, incorporate substantially similar subject matter as cited in claims 1, 14-15 above, and is similarly rejected along the same rationale.

8. Claims 32-33, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. US Patent No. 5,963,966 issued 10/05/1999 filed 11/08/1996 (hereinafter '966), in view of Langford-Wilson US Patent No. 5,953,733 issued 09/14/1999 filed 06/21/1996 (hereinafter '733), and further in view of Watanabe et al. US Patent No. 6,324,554 B1 issued 11/27/2001 filed 05/25/1995 (hereinafter '554).

Claim 32 is representing of claims 33, and 37-38.

In regard to dependent claim 32, "966 and '733 do not explicitly discloses "*archived data comprises microfilm data.*" however is taught in '554 col. 5, lines 60-65 (i.e. ...image information can be written into or read out from the image file 34. A microfilm...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine '966, and '733 with '554. One of the ordinary skill in the art would have been motivated to modify this combination to include the archived data, that comprises microfilm data, then convert into digital format. With this combination,

The image processing system which can edit document data (including image data or the like) and print an output or display the document data and, more particularly, to an image processing system in which a working efficiency is improved by the cutting and pasting of the data, is taught in '554 col. 1, lines, 27-32.

In regard to dependent claim 33, *"wherein said analyzing said data further comprises converting said microfilm data into a digital format."* is taught in '554 col. 5, lines 60-65 (i.e. ...a microfilm reader section to convert the searched image information in a microfilm to an electrical signal by an image pickup device...).

In regard to dependent claim 37, is directed to a system for performing the method of claim 32 above, and is similarly rejected along the same rationale.

In regard to dependent claim 38, is directed to a system for performing the method of claim 33 above, and is similarly rejected along the same rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burch et al. U.S. Patent No. 6,088,708 issued 07/11/2000 filed 01/31/1997

Gibson U.S. Patent No. 6,313,854B1 issued 11/06/2001 filed 10/16/1998

Sorge et al. U.S. Patent No. 6,691,281B1 issued 02/10/2004 filed 06/15/1999

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-

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8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
April 16, 2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER